

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Robert Deshawn Thomas

Docket No. 5:97-CR-185-1H

Petition for Action on Supervised Release

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Deshawn Thomas, who, upon an earlier plea of guilty to Count 1-Conspiracy to Distribute and Possess With Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 846, Count 2-Armed Bank Robbery, in violation of 18 U.S.C. § 2113 (a)(d), and Count 3- Use of a Firearm During and in Relation to a Crime of Violence, in violation of 18 U.S.C. 924 (c), was sentenced by the Honorable Malcolm J. Howard, U.S. District Judge, on October 14, 1998, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for five years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
4. The defendant shall participate in a vocational training program as directed by the probation office.
5. The defendant shall make restitution to Nationsbank, 211 N. College Street, Suite 304, Charlotte, NC 28255, Attention: Kristin Harrow Re: Maston Street/Fayetteville Branch, in the amount of \$5, 208.00. The restitution shall be due immediately.

On June 2, 1999, pursuant to Federal Rule of Criminal Procedure 35(b), the defendant's sentence was reduced to 84 months. Robert Deshawn Thomas was released from custody on August 19, 2013, at which time the term of supervised release commenced. On May 12, 2014, as a result of the defendant testing positive for the use of marijuana on May 7, 2014, a Violation Report was forwarded to the court.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 29, 2014, the defendant submitted a urine specimen which tested positive for marijuana. The defendant has been referred to substance abuse treatment and we will continue to monitor his substance abuse through the Surprise Urinalysis Program. As a sanction for this conduct, and in an effort to deter future drug use, we are recommending that the conditions of supervised release be modified to include three days in jail. Furthermore, when the defendant was released from custody he agreed to pay \$50 per month toward his restitution. Since his release, the defendant has failed to make any payments toward his debt. Recently he became unemployed and is actively seeking employment. We will continue to attempt to collect the restitution in this case. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of three days, commencing as soon as can be arranged by his probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

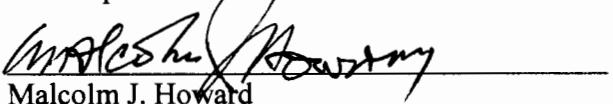
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Keith W. Lawrence

Keith W. Lawrence
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: July 30, 2014

ORDER OF COURT

Considered and ordered this 31st day of July 2014, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge